Amendments to the Specification

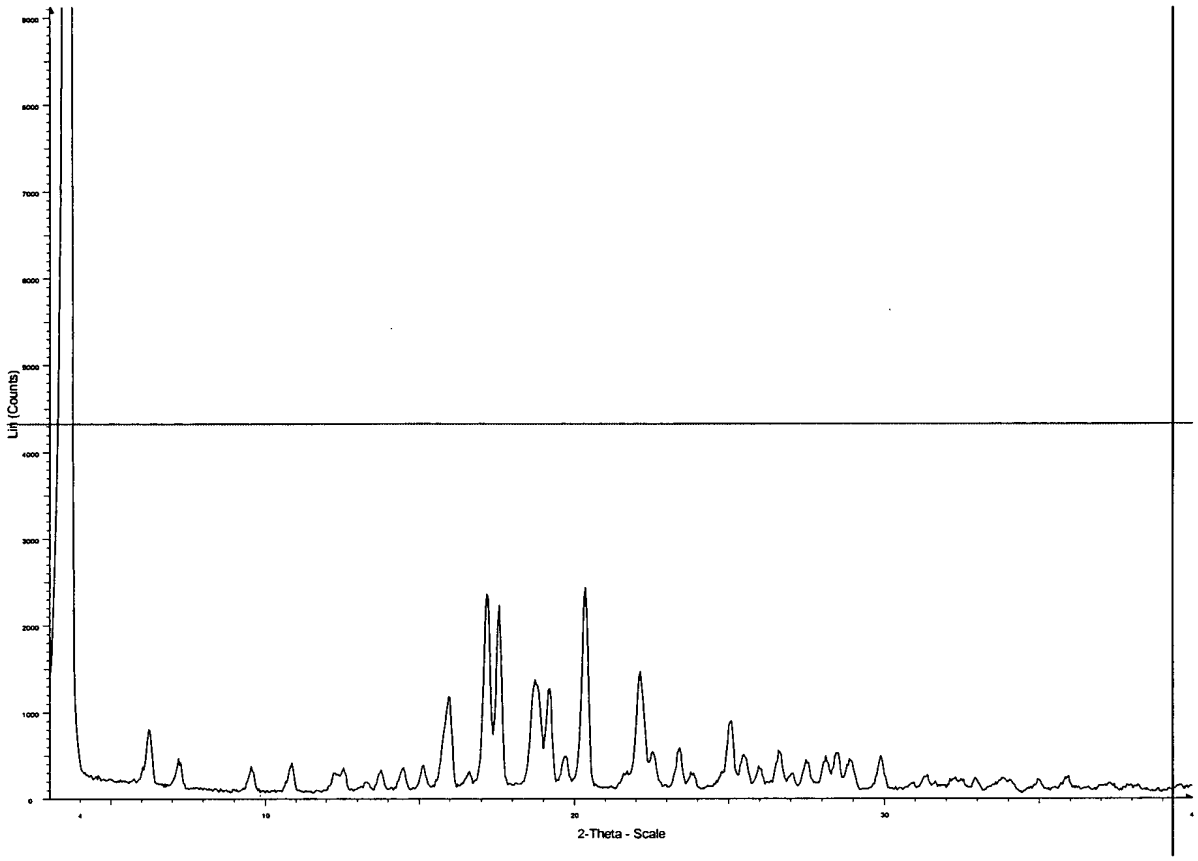
Page 1, after the title please insert the following continuing application data:

This is a divisional patent application of U. S. Patent application Ser. No. 10/441,567 filed May 20, 2003, which claims the benefit of U.S. Patent Application No. 10/021,201 filed December 07, 2001, which claims the benefit of U.S. Provisional Patent Application 60/256,598, filed December 19, 2000, all of the aforementioned applications are hereby incorporated by reference in their entirety.

On page 3, lines 25-36, please make the following changes to the existing paragraph:

The anhydrous crystal form A of (+)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, (-)-2,3-dihydroxy butanedioate is characterized by high-intensity diffraction peaks at diffraction angles (2θ) of about 3.6, 17.2, 17.6, 18.8, 19.2, 20.4 and 22.1 in a powder X-ray diffraction pattern. ~~Furthermore, the anhydrous crystal form A of (+)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, (-)-2,3-dihydroxy butanedioate provides a powder X-ray diffraction pattern substantially the same as the X-ray diffraction pattern shown in Graph 1, below.~~ The experimental conditions under which the powder X-ray diffraction was conducted are as follows: Cu anode; wavelength 1: 1.54056; wavelength 2: 1.54439 (Rel Intensity: 0.500); range # 1 - coupled: 3.000 to 40.000; step size: 0.040; step time: 1.00; smoothing width: 0.300; and threshold: 1.0. The characteristic diffraction peaks at diffraction angles (2θ) in a powder X-ray diffraction analysis for the crystal form A are shown in Table 1.

On page 4, lines 1-24, please delete the Graph 1 and its identifier:



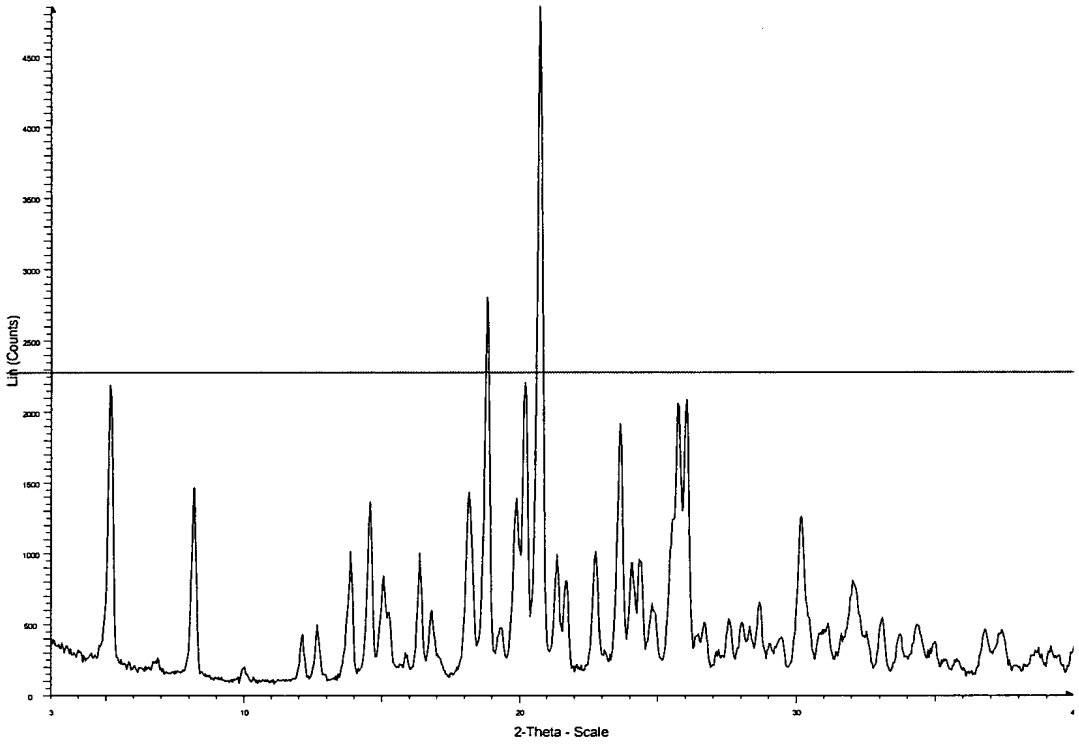
~~Graph 1~~

On page 4, line 25 through line 36, please make the following changes to the existing paragraph:

The hydrate crystal form B of (+)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, (-)-2,3-dihydroxy butanedioate is characterized in that the crystal provides high-intensity diffraction peaks at diffraction angles (2θ) of about 5.1, 8.1, 18.2, 18.8, 20.2, 20.8, 23.6, 25.8 and 26.0 in a powder X-ray diffraction pattern. ~~Furthermore, the hydrate crystal form B of (+) 6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, (-) 2,3-dihydroxy butanedioate provides a powder X-ray diffraction pattern substantially the same as the powder X-ray diffraction pattern shown in Graph 2, below~~. The experimental conditions under which the powder X-ray diffraction was conducted are as follows: Cu anode; wavelength 1: 1.54056; wavelength 2: 1.54439 (Rel Intensity: 0.500);

range # 1 - coupled: 3.000 to 40.000; step size: 0.040; step time: 1.00; smoothing width: 0.300; and threshold: 1.0. The characteristic diffraction peaks at diffraction angles (2θ) in a powder X-ray diffraction analysis for crystal form B are shown in Table 2.

On page 5, lines 5-23, please delete the Graph 2 and its identifier:



~~Graph 2~~

On page 11, line 17, before the "Detailed Description of the Invention" please insert the following:

Brief Description of the Drawings

Figure 1 shows a powder X-ray diffraction pattern for the anhydrous crystal form A of (+)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one,(-)-2,3-dihydroxy butanedioate.

Figure 2 shows a powder X-ray diffraction pattern for the hydrate crystal form B of (+)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, (-)-2,3-dihydroxy butanedioate.

On page 12, line 34 through page 13, line 14, please make the following changes to the existing paragraph:

Crystal form A of (+)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, (-)-2,3-dihydroxybutanedioate provides a powder X-ray diffraction pattern substantially the same as shown in Figure 1 ~~Graph 1~~. Crystal form B of (+)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, (-)-2,3-dihydroxybutanedioate provides a powder X-ray diffraction pattern substantially the same as shown in Figure 2 ~~Graph 2~~. However, it is known that a powder X-ray diffraction pattern may be obtained with a measurement error depending on measurement conditions. In particular, it is generally known that intensities in a powder X-ray diffraction pattern may fluctuate depending on measurement conditions. Therefore, it should be understood that the crystal forms of the present invention are not limited to the crystals that provide a powder X-ray diffraction pattern completely identical to the powder X-ray diffraction patterns shown in Figures 1 and 2~~Graphs 1 and 2~~. Any crystal forms of formula I which provide a powder X-ray diffraction pattern substantially the same as the aforementioned powder X-ray diffraction patterns of Figures 1 and 2 ~~Graphs 1 and 2~~ fall within the scope of the present invention. Those skilled in the field of powder X-ray diffractometry can readily judge the substantial identity of powder X-ray diffraction patterns.

On page 17, lines 35 through line 10 on page 18 please make the following changes to the existing paragraph:

A 125 ml flask was charged with 3.8 gms (7.92 mmoles) of (+)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one and 57 ml of THF 95%/water 5% by weight. The mixture was stirred until a clear amber solution was obtained. The amber solution was then speck-free filtered into a speck-free 125 ml flask. Then 1.55 gms (10.3 mmoles) of D-(-)tartaric acid was added to the filtered solution while stirring. After stirring for 20 hours a thick slurry had formed. The solids were isolated by filtration and the filter cake washed with 16 mls of Ethyl acetate. The solids were dried by pulling vacuum on the filter, a small sample is vacuum dried at 40^0C for analysis

resulting in crystal form B having the powder X-ray diffraction pattern shown in Figure 2 ~~Graph 2~~. Crystal form B was found to show plate/lath habit.

On page 18, lines 24-26, please make the following changes to the existing paragraph:

The solids were isolated by filtration and the filter cake washed with 30 mls of ethyl acetate followed by vacuum drying at 40°C, resulting in the recovery of crystal form A having the powder X-ray diffraction pattern shown in Figure 1~~Graph 1~~.